

110TH CONGRESS  
2D SESSION

# H. R. 5833

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. DEFAZIO introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PAYMENT OF FEES AND COSTS TO THE ATTOR-**  
4                       **NEY IN CERTAIN SOCIAL SECURITY ACT**  
5                       **CLAIMS.**

6       Section 2412 of title 28, United States Code, is  
7       amended by adding at the end the following:

1       “(g) In a civil action brought under section 205(g)  
2 of the Social Security Act (42 U.S.C. 405(g)) in which  
3 a prevailing party other than the United States is rep-  
4 resented by an attorney, any costs and fees awarded under  
5 this section to such prevailing party—

6               “(1) shall be paid directly to the attorney rep-  
7 resenting the prevailing party; and

8               “(2) shall not be subject to offset under section  
9 3716 of title 31, United States Code, due to a claim  
10 of the United States against the prevailing party.”.

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